

Regional Hot Issues Profile

August 2009

Issue: Problems at VIM Recycling, Inc. – Elkhart, IN

Background/Status: VIM Recycling, Inc. (VIM) is a construction and demolition debris recycler located in Elkhart, IN. EPA received complaint letters requesting immediate attention to address fires, smoke, odors and dust from the facility affecting the neighbors. The site owner did not comply with various enforcement orders from IDEM to resolve the problems. Several lawsuits were filed, but a local judge combined the various cases and ordered the parties into mediation, which has been ongoing for years.

The smoke is coming from a large, smoldering pile of wood waste mixed with soil. The fire was caused by a combination of internal heating and a large explosion/fire at the facility in 2007. EPA cited VIM for violating their Title V permit in May 2009 and negotiated an Administrative Consent Order (ACO) in June involving the following:

- Placement of soil on the pile to control smoke, fire and odors,
- Site monitoring and surveillance to detect and extinguish fires,
- Sorting, screening and removal of the smoldering debris to a landfill by December 31st, and
- Development of a contingency plan in the event of a fire, explosion or release.

Region 5 is working closely with IDEM, Elkhart County, Baugo Township and the site owner to address the problems. To date, the facility has complied with the ACO and over 20% of the stockpile has been addressed. A Fact Sheet was developed and distributed door to door in the neighborhood and a web site was established to update the public on progress. Residents continue to complain about odors, smoke and steam from the site, and an attorney representing them, Kim Ferraro of the organization the Legal Environmental Aid Foundation (LEAF), has filed notices of intent to sue pursuant to RCRA and the CAA. A FOIA was recently submitted by LEAF and a subsequent fee waiver request was denied by EPA HQ as a justification was requested not submitted. U.S. Congressman Joe Donnelly and U.S. Senator Evan Bayh have both written EPA letters and sent representatives to the site to review progress on the clean up. A local state representative, Craig Fry, has been very vocal about the site and critical of both IDEM and EPA actions.

Message:

- Region 5 is supporting IDEM in removing the smoldering stockpile, and the project is on schedule to be completed by the end of this year.
- Region 5 or IDEM inspectors are on site 2-3 days/week to oversee the removal and ensure strict compliance with the ACO.

Contact: Margaret Guerriero, LCD, 312-886-7435, Cheryl Newton, ARD, 312-353-6730